

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1979 be amended to read as follows:

- 1 Page 4, line 19, delete "subsection (1)(b)." and insert "**section 1(b)**
- 2 **of this chapter.**".
- 3 Page 4, line 21, delete "subsection (1)(a)" and insert "**section (1)(a)**
- 4 **of this chapter**".
- 5 Page 4, line 21, delete "an" and insert "a".
- 6 Page 4, line 22, delete "application" and insert "**petition**".
- 7 Page 4, line 24, delete "IC 8-1-8.5" and insert "**IC 8-1-2.5**".
- 8 Page 4, line 25, delete "IC 8-1-2.5:" and insert "**IC 8-1-8.5:**".
- 9 Page 4, line 31, after "4." insert "**(a) Not later than seven (7) days**
- 10 **after filing a petition under IC 8-1-2.5 or IC 8-1-8.5, a merchant**
- 11 **power plant shall:**
- 12 **(1) send notice of the petition by United States mail to all**
- 13 **record owners of real property located within one-half (½)**
- 14 **mile of the proposed facility; and**
- 15 **(2) cause notice of the petition to be published in a newspaper**
- 16 **of general circulation in each county in which the facility or**
- 17 **proposed facility is or will be located.**
- 18 **(b) The notice of the petition shall include:**
- 19 **(1) a description of the facility or proposed facility; and**
- 20 **(2) the location, date, and time of the field hearing required by**
- 21 **section 5 of this chapter.**
- 22 **Sec. 5. Not later than thirty (30) days after filing a petition**
- 23 **under IC 8-1-2.5 or IC 8-1-8.5, a merchant power plant shall**
- 24 **conduct a field hearing at a location in a county in which the**

1 facility or proposed facility is or will be located. The purpose of the  
2 field hearing is to determine local support for the merchant power  
3 plant.

4 Sec. 6. Not later than thirty (30) days after the field hearing  
5 required by section 5 of this chapter, a majority of the persons  
6 described in section 4(a)(1) of this chapter may request in writing  
7 a hearing before the commission.

8 Sec. 7. (a) Not later than thirty (30) days after a hearing is  
9 requested under section 6 of this chapter, the commission shall  
10 conduct a hearing at a location in a county in which the facility or  
11 proposed facility is or will be located. The hearing required by this  
12 subsection must be held:

13 (1) before or at the same time as the hearing required under  
14 IC 8-1-8.5-5(b); and

15 (2) before the commission issues a certificate of public  
16 convenience and necessity under IC 8-1-8.5.

17 (b) At least ten (10) days before the scheduled hearing, notice of  
18 the hearing must be served by first class mail on:

19 (1) all record owners of property located within one-half (1/2)  
20 mile of the proposed facility; and

21 (2) the merchant power plant.

22 (c) The parties to the hearing include:

23 (1) a person entitled to notice under section 7(b)(1) of this  
24 chapter; and

25 (2) the merchant power plant.

26 (d) The commission shall accept written or oral testimony from  
27 any person who appears at the public hearing, but the right to call  
28 and examine witnesses is reserved for the parties to the hearing.

29 (e) The commission shall make a record of the hearing and all  
30 testimony received. The commission shall make the record  
31 available for public inspection.

32 Sec. 8. Not later than forty-five (45) days after a hearing is  
33 conducted under section 7 of this chapter, the commission shall  
34 issue written findings based on the testimony presented at the  
35 hearing. To the extent the commission's findings differ from  
36 testimony presented at the hearing, the commission must explain  
37 its findings.

38 Sec. 9."

39 Page 4, line 40, delete "5." and insert "10."

40 Page 5, line 2, delete "the commission" and insert "the

- 1 **commission".**
- 2 Page 5, line 18, delete "IC 8-1-8.3-3(2)(C)" and insert
- 3 **"IC 8-1-8.3-3(2)(C)".**  
(Reference is to HB 1979 as printed February 28, 2001.)

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Representative Adams T